REMARKS

Claims 1, 3 and 5-14 and 24-32 are pending. Claims 12-14 are currently withdrawn. Claims 2, 4 and 15-23 were previously cancelled.

Claim 1 is currently amended to recite, "a releasable implant having a proximal end, a distal end, and a length extending therebetween along a longitudinal axis" and "the releasable implant releasably positioned in physical communication with the implant adhesion-resistant treatment on the accessible surface of said releasable implant retention region along the entire length of the implant," Support for this amendment can be found, for example, in Figures 4, 6, 7, 8 and 10. In Figures 4 and 6, the adhesion-resistant treatment 41 is illustrated as horizontal lines on the implant retention region 40 of the balloon tip 43. As can be seen in Figure 6, the horizontal lines extend the entire length of the stent 51. There are reference numerals 41 indicating the adhesion-resistant treatment at the distal end of the stent, the proximal end of the stent, and in the center of the stent (as shown by the cross-sectional view of Figure 7 taken at the center of Figure 6). Similarly in the embodiment of Figures 8 and 9, the adhesion resistant treatment 81 is illustrated as horizontal lines on the implant retention region 80 of the balloon. As can be seen in Figures 8 and 9 , the horizontal lines extend the entire length of the stent 83. No new matter is added.

Claim Rejections Under 35 U.S.C. 103

Claims 1, 3, 7, 11 and 24-32 were rejected under 35 USC 103(a) for being allegedly rendered obvious by U.S. Patent 4,950,227 to Savin et al. ("Savin") in view of U.S. Patent 6,287,285 to Michal et al. ("Michal"). The Applicants respectfully submit that Savin does not disclose or suggest all the limitations of claim 1, and Michal does not make up for these deficiencies.

Savin describes a stent delivery system comprising a balloon 14, a stent 16, and two sleeves 16, 18 for holding the stent on the balloon. Savin fails to disclose an adhesion resistant treatment on the outer surface of the balloon (accessible surface) that is in physical communication along the entire length of the stent. Savin does not disclose an adhesion resistant coating that is located between the stent and the balloon, but rather provides that a "lubricating solution" may be between the balloon and the *sleeves*. The sleeves 18 and 20 are not part of the

stent 16, and Savin does not state that there is any coating between the stent and the balloon, or even between the stent and the sleeves.

The BPAI decision states that "if a lubricating solution placed between sleeves 18, 20 and the balloon were to be effective at aiding release of the stent, the solution must be applied at least in the region where the sleeves slide over the balloon, i.e., "D" in figure 1. The stent, having an open-celled structure (See Fact 1), would have the lubricating solution passing therethrough" (BPAI Decision, page 6). Assuming arguendo that in Savin there is a lubricating solution on the balloon in the region where the sleeves and the stent overlap ("D"), there is no lubricating solution provided on the remainder of the area "A" between the stent 16 and the balloon 14. Furthermore, there is no teaching or suggestion to have a lubricating solution in any area other than where the sleeves are located, since the lubricating solution is "to aid in release of stent 16 from the sleeves" (column 4, lines 55-57).

The BPAI decision is based on the finding of fact that "[i]n order to aid release of the stent from the sleeves 18, 20, a lubricating solution can be provided between the balloon 14 and the sleeves 18, 20" (Findings of Fact #2, BPAI Decision, page 4). Thus, there is only motivation for providing a lubricating solution in the area where the sleeves are found. Furthermore, in Savin, the sleeves can only be on the ends of the stent for the device to work as intended. When the balloon in Savin expands, this "cause[s] the margins of the first and second sleeve to slide axially from over the margins of the stent, thereby simultaneously releasing the ends of the stent from the catheter" (column 2, lines 16-19). Thus, if the sleeves extended along the entire length of the stent, the stent would not be capable of being released at the target site. Therefore, there is no teaching, suggestion, or motivation in Savin to have a lubricating solution on the remaining central section of the stent.

For the reasons discussed above, Savin does not disclose or suggest all of the limitations of claim 1, and all claims that depend therefrom, and Michal does not cure these deficiencies. Thus, the combination of Michal and Savin does not disclose all the limitations of claim 1, and all claims which depend therefrom.

Claims 5, 6 and 8-10 are rejected under 35 USC 103(a) for being allegedly rendered obvious by Savin in view of Michal and further in view of U.S. Patent 5,902,631 to Wang et al.

("Wang"). For the reasons discussed above, Michal and Savin do not disclose all of the limitations of claim 1, and all claims that depend therefrom, and Wang does not cure these deficiencies. Thus, the combination of Michal, Savin, and Wang does not disclose all the limitations of claim 1, and all claims which depend therefrom.

CONCLUSION

It is respectfully submitted that the present application is now in condition for allowance, which action is respectfully requested. The Examiner is invited to contact Applicants' representative to discuss any issue that would expedite allowance of the subject application.

Any fees for extension(s) of time or additional fees required in connection with the filing of this response, are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is authorized to charge any such required fees or to credit any overpayment to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,
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Dated: September 17, 2009

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